REMARKS

This application has been reviewed in light of the Office Action dated April 12, 2007. Claims 1-3, 6-9, and 11-15 are pending in this application. Claims 1 and 13 have been amended to define more clearly what Applicants regard as the invention. Claims 1 and 13 are in independent form. Favorable reconsideration is requested.

Claims 1-3, 6-9, and 12-15 were rejected under 35 U.S.C.§ 103(a) as obvious over U.S. Patent No. 6,038,000 ("Hurst") in view of U.S. Patent No. 6,611,624 ("Zhang"). Claim 11 was rejected under 35 U.S.C.§ 103(a) as obvious over Hurst.

Claim 1 recites, *inter alia*, the data is divided into segments that include synchronized starting points and end points on all data streams, wherein the data rate of each data stream at a time before an end point of each segment is increased from a first data rate to a second data rate by changing the multiplexing for said plurality of streams to provide gaps in said plurality of data streams between said end points and said starting points, without affecting the contents of the data streams.

These features may be understood by referring to the specification, for example, at page 9, lines 5-9 and page 10, lines 6-19, which states that in order to insert the switch gap between frame segments, all the information necessary for the duration of the gap should be transmitted before the gap. The bandwidth in the period before the gap is increased, thereby increasing the data rate, to pre-send all the information that would have been sent during the gap if the stream distribution was constant. The average data rate over the sped-up portion and the gap is the same as the continuous data rate.

The references cited in the Office Action, no matter how they hypothetically may be combined, do not teach or suggest these features.

Hurst relates to a method for identifying and utilizing splicing in-points and splicing out-points in information streams. (Col. 1, lines 13-16). Hurst does not describe or suggest synchronized starting points and end points on all data streams, wherein the data rate of each data stream at a time before an end point of each segment is increased from a first data rate to a second data rate by changing the multiplexing for said plurality of streams to provide gaps in said plurality of data streams between said end points and said starting points. Rather, Hurst provides synchronization by relying on buffers that store the input streams and "bitstream examiner blocks" that scan for in-points and out-points in the "to-stream" and "from-stream." An in-point is always positioned at the output of the "to-stream" buffer. With the assertion of a control signal, the bitstream examiner tied to the "from-stream" scans for out-points within the "from-stream." Once an out-point is identified, the splicing takes place, i.e., the switching from the "from-stream" to the "to-stream" (Col. 9, line 26 to Col. 10, line 29).

The Office Action states, at page 5, lines 5-6, that flushing data streams, as done by Hurst, corresponds to increasing the data rate of the data streams at a time before an end point of a segment. Clearly, this is not the case. The flushing of the data streams is merely discarding data streams that are not switched to the output stream and does not result in a change to the data rate.

In any event, the Office Action acknowledges, at page 5, lines 13-16, that Hurst does not disclose increasing a data rate of the plurality of data streams by changing the multiplexing in a manner that does not affect the contents of the plurality of data streams. It follows, then, that Hurst

does not disclose changing the data rate of the data streams in the particular manner recited in Claim 1.

The other cited reference, Zhang, relates to methods for splicing two compressed bit streams together to form a single compressed bit stream. In Zhang, a first and a second data stream are stored in two pre-buffers and then are fed into the splicer. The splicer initially outputs the first data stream, and at the splicing point, replaces the first data stream with the second in response to a cue tone signal. If there is a mismatch in the available bandwidth left open by the first data stream and the bandwidth needed for the second stream, the entire second stream is recoded so that the resulting bit rate of the entire stream is changed to fit into the available bandwidth. (Col. 12, lines 6-30). This recoding is done to change the bandwidth of the entire data stream to fit within an available bandwidth, rather than to form gaps in the data stream. Nothing in Zhang teaches or suggests increasing the data rate of a stream before an end point of each segment to provide gaps, as recited in Claim 1. Thus, Zhang does not remedy the shortcomings of Hurst in this regard.

For at least the above reasons, Claim 1 is believed to be patentable over the combination of Hurst and Zhang.

Claim 13 recites similar features to those discussed above with respect to Claim 1 and therefore is also believed to be patentable over the combination of Hurst and Zhang.

The other claims in this application are each dependent from the one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an addition aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Please charge any fees that may be due, or credit any overpayment of the same, to Deposit Account No. 08-0219. The Examiner is encouraged to telephone the undersigned attorney for the Applicants to resolve any outstanding issues.

Respectfully submitted,

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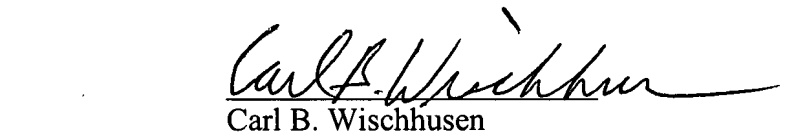
Date: October 12, 2007



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